

REMARKS

It is respectfully submitted that claim 1 is not unpatentable under 35 U.S.C. 103(a) over O'Donnell and Golden further in view of Reisch as alleged by the examiner.

Applicant agrees with the examiner's summary of the disclosures of O'Donnell and Reisch but does not agree with the examiner's summary of the teaching of Golden. Golden does not teach a turntable record. It is clear from applicant's specification and claims that a turntable record is a record used with a turntable with a swing arm and needle, as will be readily understood by a person skilled in the art. Golden is concerned with an optical disc record for use in an organ having a keyboard with levers that can be selectively depressed to play a melody and a group of accompaniment buttons which can be selectively depressed to play a harmonizing pattern of notes based on a musical chord appropriate to the melody being played on the keyboard. Golden is concerned with a musical instrument which is completely different from the musical instrument with which applicant's invention is concerned. In this respect, the examiner will note that Reisch refers to a turntable as a musical instrument when used as described in Reisch, see for example page 2 of Reisch, fourth paragraph. It would therefore not be proper to attempt to combine the teaching of Golden with the disclosures in O'Donnell and Reisch. Applicant's turntable record is used in the manner described in Reisch, see paragraph [0010] of applicant's specification.

In any event, Golden does not teach multiple tracks having at least one scale of notes and/or series of chords of a predetermined musical key as alleged by the examiner. Golden discloses tone tracks and accompaniment tracks. The tone tracks contain one note per track. Most of the accompaniment tracks contain a pattern of notes based on one chord, and some of the accompaniment tracks contain special sounds (not based on any music key).

It is therefore respectfully submitted that the method of producing desired musical sounds as claimed in applicant's claim 1 is not suggested by O'Donnell and Golden further in view of Reisch.

The examiner has also alleged that claim 2 is unpatentable under 35 U.S.C. 103(a) over O'Donnell in view of Golden.

For the reasons mentioned above in connection with the objection to claim 1, it is respectfully submitted that this is not the case. Again, Golden is not concerned with a turntable record and in any event does not suggest turntable tracks having at least one scale of notes and/or series of chords of a predetermined musical key.

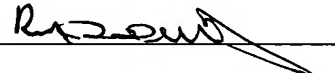
It is therefore respectfully submitted that O'Donnell and Golden do not suggest a musical instrument as claimed in claim 2.

As indicated above, applicant's invention is concerned with a turntable record for use by disc jockeys (scratchers) in the manner described in Reisch. Applicant's turntable record is an inventive component of the method claimed in claim 1 and the musical instrument claimed in claim 2 and enables a disc jockey to more easily play in a predetermined musical key.

Favourable reconsideration and allowance of this application are therefore requested.

Respectfully submitted,

JONATHAN CASS

By: 

GOWLING LAFLEUR HENDERSON LLP

Robert F. Delbridge

Registration No.24969

RFD:gm